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8.	BEFORE THE
9	BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS
_	STATE OF CALIFORNIA
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11	In the Matter of the Accusation Against: Case No. 2013 – 968
12	CATHERINE JOYA STEPHENS, aka CATHERINE STEPHENS
13	5580 Tudor Way Loomis, CA 95650 ACCUSATION
14	Registered Nurse License No. 543344
15	Nurse Practitioner Certificate No. 9797 Nurse Practitioner Furnishing Certificate No. 9797
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17	Respondent.
18	Complainant alleges:
19	<u>PARTIES</u>
20	1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
21.	official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),
22	Department of Consumer Affairs.
23	2. On or about May 7, 1998, the Board issued Registered Nurse License Number
24	543344 to Catherine Joya Stephens, also known as Catherine Stephens ("Respondent").
25	Respondent's registered nurse license was in full force and effect at all times relevant to the
26	charges brought herein and will expire on May 31, 2014, unless renewed.
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- 3. On or about May 13, 1998, the Board issued Nurse Practitioner Certificate Number 9797 to Respondent. Respondent's nurse practitioner certificate was in full force and effect at all times relevant to the charges brought herein and will expire on May 31, 2014, unless renewed.
- 4. On or about February 3, 1999, the Board issued Nurse Practitioner Furnishing Certificate Number 9797 to Respondent. Respondent's nurse practitioner furnishing certificate was in full force and effect at all times relevant to the charges brought herein and will expire on May 31, 2014, unless renewed.

STATUTORY AND REGULATORY PROVISIONS

- 5. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that the Board may discipline any licensee for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
- 6. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.
 - 7. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

- (a) Unprofessional conduct, which includes, but is not limited to, the following:
- (1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions . . .
- 8. California Code of Regulations, title 16, section ("Regulation") 1443 states:

As used in Section 2761 of the code, "incompetence" means the lack of possession of or the failure to exercise that degree of learning, skill, care and experience ordinarily possessed and exercised by a competent registered nurse as described in Section 1443.5.

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COST RECOVERY

9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

CAUSE FOR DISCIPLINE

(Incompetence)

- 10. On or about December 23, 2005, at approximately 12:45 a.m., R. H., a 53 year old male ("patient"), awakened with chest pain, radiating to both sides of his neck and shoulders. The patient also had numbness in both arms. Paramedics were summoned, and the patient was transported by ambulance to the emergency department ("ED") at Kaiser Foundation Hospital ("Kaiser") in Roseville, California. The patient was given nitroglycerin in the ambulance and his pain subsided. During his stay in the ED, the patient underwent an EKG as well as lab tests, including a complete blood count ("CBC"). The EKG and lab tests were normal and the patient's cardiac enzymes were negative. The ED physician diagnosed the patient as having GERD (gastroesophageal reflux disease) and instructed him to take Mylanta for pain, avoid late-night eating, and follow up with his primary care provider.
- 11. A few days later, the patient's wife, T. H., attempted to schedule an office visit for the patient at Sutter Medical Group in Roseville, where Respondent was employed as a nurse practitioner, but no appointments were available until the following week. Arrangements were made to have the patient seen by Respondent on December 30, 2005. A day or two prior to the appointment, the patient suffered another episode of chest pain. The patient's symptoms gradually resolved by taking Mylanta and keeping his arms above his head.
- 12. On or about December 30, 2005, the patient and T. H. went for the scheduled office visit with Respondent. Respondent noted in the patient's records that he called 911 on December 23 because he "thought" he was having chest pain. The patient explained that he was seen at

Kaiser, that lab tests and an EKG had been done and his cardiac enzymes were normal, and that the ED physician had diagnosed him with GERD. At the time of his office appointment, the patient was not complaining of any chest pain. Respondent examined the patient and proceeded with a rectal examination to evaluate the possibility of a gastrointestinal bleed. Respondent also found that the patient's blood pressure was elevated. Respondent ordered a repeat CBC and H. pylori test, prescribed Protonix (proton pump inhibitor) for treatment of GERD, and recommended that the patient stop smoking and drinking coffee. Respondent also instructed the patient to make a follow-up appointment in two weeks to evaluate his blood pressure.

- 13. On or about January 1, 2006, the patient died suddenly of an acute coronary artery thrombosis.
- 14. Respondent is subject to disciplinary action pursuant to Code section 2761, subdivision (a)(1), on the grounds of unprofessional conduct, in that on or about December 30, 2005, Respondent was guilty of incompetence in her care of patient R. H. within the meaning of Regulation 1443, as follows:
- a. Respondent followed a course of action that only addressed the patient's symptoms of GERD.
- b. Respondent failed to request the patient's ED records from Kaiser for comparative purposes, and provided treatment based on the patient's description or perception of the care rendered to him in the ED.
- c. Respondent failed to order a chest x-ray, repeat EKG, and/or nuclear cardiac stress test for the patient.
- d. Respondent instructed the patient to make a follow-up appointment in two weeks rather than schedule him for a complete physical examination.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 543344, issued to Catherine Joya Stephens, also known as Catherine Stephens;

- 2. Revoking or suspending Nurse Practitioner Certificate Number 9797, issued to Catherine Joya Stephens, also known as Catherine Stephens;
- 3. Revoking or suspending Nurse Practitioner Furnishing Certificate Number 9797, issued to Catherine Joya Stephens, also known as Catherine Stephens;
- 4. Ordering Catherine Joya Stephens, also known as Catherine Stephens, to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
 - 5. Taking such other and further action as deemed necessary and proper.

DATED: APRIL 26, 2013

LOUISE R. BAILEY, M.ED., RN

Executive Officer

Board of Registered Nursing

Department of Consumer Affairs

State of California

Complainant

SA2012106855